

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRWP-364-2020**

Date of Decision:-12.05.2022

**DEEPAK KUMAR @ MICHAEL**

... Petitioner

Versus

**STATE OF PUNJAB AND OTHERS**

... Respondents

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**CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH**

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Present:- Mr. S.S. Rana, Advocate  
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

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**KARAMJIT SINGH, J. (Oral)**

The present petition has been filed by the petitioner seeking quashing of order dated 26.11.2019 (Annexure P-3) whereby the case of the petitioner for his premature release was considered and rejected on the ground that the petitioner committed jail offence on 8<sup>th</sup> September, 2017 and therefore, his case would be considered after 5 years from the date of commission of the said offence.

The petitioner was convicted and sentenced to life imprisonment by the Court of learned Sessions Judge, Bathinda vide judgment dated 24.9.2008 in criminal case having FIR No.128 dated 11.3.2006 registered under Sections 302/364/34 IPC and 201 IPC Police Station Kotwali, Bathinda.

As per the counsel for the petitioner the case of the petitioner is covered under the Punjab Government Policy dated 8.7.1991 regarding premature release of the convicts. The counsel for the petitioner apprised the Court that the petitioner has undergone 15 years of actual sentence and custody of 23 years including remissions. As per the counsel for the petitioner, the petitioner has already undergone the requisite period of imprisonment as per Government Policy dated 8.7.1991.

As per the petitioner, he committed jail offence as he was found in possession of certain medical intoxicants and he faced trial in the said case and was convicted to undergo RI for one year, which period he has already undergone.

Admittedly, in the present case the request of the petitioner for premature release has been declined on the ground that he had committed jail offence. However, this Court in **Subhash vs. State of Haryana, 1994(3) RCR (Criminal) 489** has clearly held that commission of jail offences is no legal ground to deny pre-mature release to the convict which became due especially when convict had already been punished for jail offences. The similar view was taken by this Court in **Kamal Kant Tiewari vs. State of Punjab and Ors. 2014(2) RCR (Criminal) 940**.

In the light of the law laid down by this Court as has been discussed above, the jail offences committed by the convict for which he had already been punished cannot be taken into consideration while deciding the case of the petitioner for his premature release.

Accordingly, the present petition is allowed and the respondents are directed to re-consider the case of the petitioner for his premature release without taking into consideration the jail offences for which he had already been punished.

The needful be done by the concerned authorities within 2 months from the receipt of certified copy of this order.

( KARAMJIT SINGH )  
JUDGE

12.05.2022  
Gaurav Sorot

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|------------------------------|----------|
| Whether reasoned / speaking? | Yes / No |
| Whether reportable?          | Yes / No |